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II. UNEQUAL LAWS AN IMPEDIMENT TO CHILD LABOR LEGISLATION

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Unequal laws constitute a force antagonistic to the progress that should be made in the perfection of child labor legislation. It partly explains why more rapid progress has not been made with less effort than has already been put forth in this movement. You will see from the program of this meeting that we intend to dissect the obstacles to child labor reform this evening, and a number of them are enumerated on the program about which we shall hear from various speakers. Among these forces, in addition to unequal laws, are the false economic ideas of many persons engaged in industry, the demand for cheap labor, the indifference of the Church and moral forces, inadequate schools and school facilities. I suppose that the list might have been very much enlarged by the Program Committee if there were time to include more speakers in a single evening's discussion.

There are, of course, very many obstacles to child labor reform which ought to be removed, it would seem, by a mere statement of the case with respect to the rights of childhood. At first sight we would naturally think that unequal laws were a gain rather than a hindrance in this struggle, that experiments in different states would prove different things, and that from this combined experience we might gain many lessons that would help to make progress more rapid. As a matter of fact, however, unequal laws for the protection of childhood in the several states of the Union mean either an unequal standard of civilization in different parts of the country, which we would not like to admit, or the lack of organization in order to bring about uniform and equal protection, which it is the avowed purpose of the National Child Labor Committee to promote. The standard of civilization over an area as large as that of the United States cannot be absolutely uniform. We have too varied a population and too varied industrial interests to expect that. Yet with the unity and patriotism there is in American life,

it is not unreasonable for us to suppose that in a matter of this kind, in the protection of childhood, that we may, by means of the sheer force of educated public opinion, be able to carry over certain elements in our population that have not perhaps as high a standard as the bulk of our civilization, to the highest possible standard that can be secured in a majority of the states. It is possible at times for a people to make a sudden jump, to go from one stage of civilization to another with very great rapidity. History shows this in many instances. Permit me to cite one illustration which comes readily to mind, and carries with it no aspersion on the race which I shall mention. The Italian in this country, especially the Italian who comes to us from Sicily, brings here an elemental standard of justice very different from our own. It is perhaps, to put it in a single word, the standard of personal retaliation as measured by the use of the stiletto, and not justice measured by the sober processes of a court. And yet there has been no more interesting phenomenon to be observed than the readiness with which the Italian adjusts himself in a comparatively short time to this other mode of settling the differences that he may have with his fellows. In other words, he makes a jump in a few months or years that has taken other people under different conditions generations to make. It is, therefore, not unreasonable to suppose that in the matter of a standard for the protection of childhood we may expect those states or parts of states that are backward in this matter to be able to take a very sudden leap to a comparatively high standard, when we are able to make that standard clear and to suggest the machinery for its enforcement.

Unequal Laws Unfair

Is it fair that American social organization, for that is what the sum of our state legislation means, should make the birthright of the American child mean less in one state than in another? In Massachusetts than in Wisconsin? In Ohio than in New York? In Maine than in Texas? In Florida than in Iowa? But unequal laws in these various jurisdictions mean more than this. They penalize the citizens of the more advanced states and give an unfair advantage to the thoughtless, ignorant and unscrupulous, who are always ready to avail themselves of that advantage. Is it fair to hold back the measure of protection to childhood granted by and for the people of the more progressive states in order that the people

of the poorer states may have an industrial differential in respect to wages or other competitive factors in business? Shall we give the people of the backward states a sort of government bounty in the matter of wages and hours, and that at the expense of the children of the entire country?

Unequal laws mean that the child remains a factor in industrial competition, which is keen enough in modern industry with respect to skilled labor, raw materials, inventions of machinery, business organization, etc., to satisfy the most strenuous captain of industry, even if the child can be entirely eliminated. To eliminate the child from competitive industry rather than from all labor ought to be the one great task of our National Child Labor Committee.

Hinder Enforcement

The real obstacle of unequal laws is felt in the matter of enforcement of child labor laws. Here inequality in the laws of states within the same industrial areas makes the task of a factory inspector hard. We all know how difficult it is to enforce a law, for example, in Ohio in respect to the glass industry, where they are not allowed to employ children at night under sixteen years of age, while competing manufacturers across the border in West Virginia may employ a child at a much younger age, or in Pennsylvania, where they may employ a child at the age of fourteen at night work. The element of weakness in the enforcement of legislation is perhaps the most definite measure of the difficulties that come from unequal legislation on all questions affecting industrial competition. On the other hand, there are very few business men who are not ready to listen to a proposition that looks to giving larger opportunities to the children of the country and thereby providing them with larger opportunities for industrial education, which the business man is keen enough to see will mean a greater future efficiency of labor in which he has a direct interest as well as the child, provided you can make it clear to that man that by agreeing to protection against premature employment he is not handicapping himself in his competition with other men in the same industry. To give a perfectly concrete illustration, we may refer again to the glass industry as a fair example of what we have actually encountered in child labor reform. The glass industry is confined to a comparatively few states, perhaps six states in all would be sufficient to

constitute what we may call the "glass states" of the American Union. At any rate, if manufacturers and reformers alike could come to an agreement on a reasonable measure for the protection of children employed in the glass industry in those five or six states, I venture to predict that every other state would be willing to follow in similar legislation in so far as the glass industry is concerned. Now, as a matter of fact, in the efforts the National and State Child Labor Committees have made in the State of New Jersey, year after year, to have the age limit for night work raised to the age of sixteen, we have been met very frankly and very determinedly by the glass manufacturers with the argument that they cannot afford to add to their payroll the additional wages that would be required, when across the border in Pennsylvania boys of fourteen may work at night, and until recently by reason of inadequate certificates and deficient enforcement even some boys under the age of fourteen.

Now, it is perfectly evident that if the glass manufacturers could be assured that the conditions would be equalized in Pennsylvania, Ohio, Indiana, Illinois, New Jersey and West Virginia, they could be easily convinced that it was to their interest as well as to the interest of the community to release children under sixteen.

Contingent Legislation

The question of how such uniformity may be secured in order to give us an alternative for the unequal conditions under our laws as just described, is one that does not properly form a part of this discussion. It may not be inappropriate, however, to suggest a remedy that I mentioned tentatively at our annual meeting last year, and which it is my purpose to enlarge upon in another connection, and to present to the Conference on Uniform Laws to be held in Washington next week. I refer to an intermediate step that may be taken in the matter of securing uniform legislation; namely, to propose statutes in the several states comprising a definite industrial area for enactment as concurrent and contingent legislation. Thus a bill embodying an agreement that would eliminate children under sixteen working at night, let us say, might be presented simultaneously to the legislatures of such of the six states covering the glass industry as have not already adopted this provision of law and in the form of concurrent legislation, the act in each state to go into effect contingent upon the passage of the same or a similar act in the other states as specified.

There are already precedents in American state and national legislation for such contingent legislation, and it might be well to follow the example of Congress in the matter of federal legislation by definitely providing that such statutes shall go into effect upon proclamation of the governor, setting forth the fact that the contingency has been met, just as Congress frequently authorizes the President to put into effect some provision of law, subject to a contingency, to the satisfaction of which he certifies. This method would enlist governors in recommending and promoting measures which had been adopted in the other competing states of a particular industrial group.

Precedents

In 1895 the State of New Jersey passed a law for the protection of sturgeon in the Delaware River, and that law was a perfect statute as it passed the legislature, but it was not to go into effect until similar legislation was passed by Pennsylvania and Delaware. By the passage of child labor laws meeting the particular conditions of definite industries and industrial areas, and contingent upon the enactment of a similar standard in all of the states actually involved in the competitive factors of the definite industry in question it may be possible to overcome some of the obstacles presented by unequal laws.

It seems to me that it is a matter our child labor committees might very well seriously consider whether it is not possible to promote conferences among manufacturers in groups of states that are controlled by particular industries to the end that we may come to some agreement on statutes not necessarily to be passed in all forty-six jurisdictions, but statutes that may be agreed upon in three, four or five states where an industry is predominant. Our problem would be simpler if we could confine our efforts to having uniform statutes passed in relatively small groups of states.

Our Task Just Begun

Great progress has been made during the past five years in child-labor legislation which has tended to equalize the protection extended by the laws of all our states to their children, and the active support of the work of the National Child Labor Committee, if con-

tinued and increased by the American people proportionately to the great task that remains for the committee to perform, will result in organization and uniformity in legislation that will mean a high standard of education and efficiency for every American child—for the immigrant children who have the good fortune to be brought to our shores as well as for the children born on our soil. Industry and American enterprise will still flourish and have more lasting fruits when the child is absolutely removed from the arena of industrial competition and from every possibility of exploitation and is free to play, to study, and to work under the most rational regime of culture—physical, mental, and spiritual—that our civilization can afford.

Results

If we do succeed in giving greater protection to the child, in securing for all children greater freedom to play and to work in an educational way, it will *ipso facto* throw a greater burden upon our educational machinery. It will force our communities to devote more attention and larger funds to provide the necessary facilities for education that will train children in a better way than our mills and factories are doing now. The National Child Labor Committee has not in its five years of existence accomplished all that it anticipated at the outset it could do in five years. I remember very well at some of our initial meetings the attitude of the more far-seeing members of our committee who felt that the task before us would be a very easy one and a very short one. When we planned for organization in different states, even in the smaller matters of office equipment, etc., many of us were thinking only of the needs for temporary organization. We had the idea that the mere statement of the facts concerning children in industry under the conditions that we knew existed in many parts of the country, if certified to by people in all walks of life, would be sufficient through adequate publicity to solve this question. Now, we have been working five years, and I think there is not a member of the National Committee to-day who would not say that it is likely we shall be working five more years or ten more years, rather than one more year, before we shall have attained any measure of success with which we shall be satisfied. In other words, it is a very difficult task we still have before us. The very fact that we have to

work through so many legislatures, that we are necessarily dependent on legislative measures for so many remedies, increases the difficulties of our work. If I have made clear the handicap that unequal laws has put on our work in many large industrial areas, we shall hope to have the support of very many more people than we have yet enrolled in this campaign, and then with a very much more intelligent understanding of the forces lying back of and controlling American industry, we shall hope to achieve greater results, meaning greater social opportunity for the children of America, and fairer conditions for those industries that thrive without the labor of children.